

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Judith Le	Team: Squad #8	CCRB Case #: 201608992	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/18/2016 1:40 PM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 4/18/2018	EO SOL 4/18/2018	
Date/Time CV Reported Tue, 10/18/2016 3:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/26/2016 11:16 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Rios	06583	955377	PSA 7
2. POM Matthew Mozdziak	13837	943590	PSA 7
3. POM Juan Candelario	06688	948739	PSA 7
4. SGT Michael Bletcher	3912	929740	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Bletcher	Abuse: Sergeant Michael Bletcher stopped § 87(2)(b)	§ 87(2)(b)
B.POM Nicholas Rios	Abuse: Police Officer Nicholas Rios frisked § 87(2)(b)	§ 87(2)(b)
C.POM Juan Candelario	Abuse: Police Officer Juan Candelario frisked § 87(2)(b)	§ 87(2)(b)
D.POM Juan Candelario	Abuse: Police Officer Juan Candelario searched § 87(2)(b)	§ 87(2)(b)
E.POM Nicholas Rios	Abuse: Police Officer Nicholas Rios frisked § 87(2)(b) s property.	§ 87(2)(b)
F.POM Nicholas Rios	Abuse: Police Officer Nicholas Rios searched § 87(2)(b) § 87(2)(b) property.	§ 87(2)(b)
G.SGT Michael Bletcher	Abuse: Sergeant Michael Bletcher refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
H.POM Nicholas Rios	Abuse: Police Officer Nicholas Rios refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
I.POM Juan Candelario	Abuse: Police Officer Juan Candelario refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
J.POM Matthew Mozdziak	Abuse: Police Officer Matthew Mozdziak refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On October 18, 2016 at 1:40 p.m., § 87(2)(b) was waiting to enter his residence at § 87(2)(b) in the Bronx, when he was approached by Sgt. Michael Bletcher, PO Nicholas Rios, PO Matthew Mozdziak and PO Juan Candelario of PSA 5. Sgt. Bletcher, whose recognition of § 87(2)(b) from a web series called § 87(2)(b) partially factored into the stop, informed § 87(2)(b) he was being stopped for blocking the doorway (**Allegation A**). Shortly thereafter, PO Rios frisked § 87(2)(b) (**Allegation B**). § 87(2)(b) was instructed to remove his backpack, which was given to PO Rios. PO Candelario then began to frisk § 87(2)(b) (**Allegation C**) and search through his pockets, pulling out his wallet and ID (**Allegation D**). During this time, PO Rios frisked and then searched through § 87(2)(b) backpack (**Allegations E and F**). § 87(2)(b) ID showed that he lived in the building so the officers let him go. § 87(2)(b) then asked the officers for their shield numbers; they refused (**Allegations G, H, I and J**).

The investigation consulted with an attorney regarding the stop, frisk and search.

Video footage was obtained on October 18, 2016 from the New York City Housing Authority, § 87(2)(b), Camera 1: exterior entrance. The video is time stamped and runs five minutes. There is no sound accompanying the video (see Board Review #1).

This case surpassed the 90-day benchmark in January 2017 due to the following reasons: 1) PO Rios was out on LOD; and 2) the undersigned had difficulty scheduling § 87(2)(b) for his photo array.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation § 87(2)(b)
- § 87(2)(b)
- As of March 7, 2017, a notice of claim had not been filed by § 87(2)(b) (see Board Review #3).

### Civilian and Officer CCRB Histories

- Sgt. Bletcher has been a Member of Service for fourteen years. He currently has one additional case, case #201609410, pending investigation. He been a subject in two other complaints, totaling three allegations. § 87(4-b), § 87(2)(g)
- PO Rios has been a Member of Service for three years and been a subject in two other complaints, totaling nine allegations. In case #201507072 an allegation of abuse – frisk was closed with a Board Disposition of Command Discipline B. The NYPD disposition is still pending (see Board Review #5).

- PO Candelario has been a Member of Service for six years. He currently has one additional case, case #201609410, pending investigation. PO Candelario has also been a subject in one prior case, totaling six allegations. In case #201603587, an allegation of abuse – other was closed with a Board Disposition of Formalized Training; an allegation of abuse – frisk was closed with a Board Disposition of Formalized Training; § 87(4-b), § 87(2)(g) [REDACTED] The NYPD disposition is still pending (see Board Review #6).
- PO Mozdziak has been a Member of Service for ten years and been a subject in five other complaints, totaling ten allegations. § 87(4-b), § 87(2)(g) [REDACTED]  
[REDACTED] In case #201212779 an allegation of abuse – stop was substantiated and received a NYPD disposition of not guilty with no penalty. In case #201304798 an allegation of abuse – retaliatory summons was closed and received a NYPD disposition of Guilty with a penalty of Forfeit vacation 2 days (see Board Review #7).
- This is § 87(2)(b) [REDACTED] first CCRB complaint. § 87(2)(b) [REDACTED]  
[REDACTED]

### **Allegations Not Pleaded**

Video footage (see Board Review #1) obtained from NYCHA shows that PO Mozdziak did not touch, frisk or search § 87(2)(b) [REDACTED] during the stop. Although § 87(2)(b) [REDACTED] originally testified (see Board Review #9) that PO Mozdziak frisked and searched him, upon review of the video, § 87(2)(b) [REDACTED] (see Board #10) identified the officers that frisked and searched him as PO Rios and PO Candelario. While he believed that PO Mozdziak might have frisked him, he stated that he could not be certain as he had become angry that he was being searched. § 87(2)(g) [REDACTED]  
[REDACTED]

### **Findings and Recommendations**

#### **Allegation A - Abuse: Sergeant Michael Bletcher stopped** § 87(2)(b) [REDACTED]

It is undisputed that § 87(2)(b) [REDACTED] was standing in front of his residence, § 87(2)(b) [REDACTED] when he was approached by Sgt. Bletcher, PO Rios, PO Mozdziak and PO Candelario. In dispute are the events that transpired thereafter.

Video footage was obtained on October 18, 2016 from the New York City Housing Authority, § 87(2)(b) [REDACTED]. Security footage provided begins at the 12:59 PM mark. § 87(2)(b) [REDACTED] does not appear on video until the 1:38 PM mark, at which time he enters the § 87(2)(b) [REDACTED]’ walkway.



SnagIt Video.mp4

In the SnagIt (see Board Review #1), beginning at 1:38 PM, at <00:01> § 87(2)(b) [REDACTED] enters the walkway to § 87(2)(b) [REDACTED]. At <00:10> he stops next to the entrance door and takes out his phone. He appears to be looking at the screen. At <00:21> a white/beige 4-door sedan enters the screen on the far right. At <00:33> the car backs up and at <00:42> disappears off the screen. At <01:06> two men, identified as PO Candelario and PO Rios enter the walkway from the street.

Both appear to have badges swinging from their neck. At <01:30> the two officers approach § 87(2)(b). At <01:30> two additional men, identified through investigation as PO Mozdziak and Sgt. Bletcher walk up the sidewalk. At <01:53> the four men appear to surround § 87(2)(b). At <01:54> PO Rios appears to frisk § 87(2)(b) who has his arms extended. At <01:57> PO Rios is seen reaching around his pockets. At <02:06> PO Rios takes § 87(2)(b) bag and opens it. At <02:06> PO Rios steps to the right and puts the backpack on the ground. At <02:10> PO Candelario appears to frisk, and then appears to search § 87(2)(b) who is now turned around and facing the wall. PO Candelario is seen reaching to § 87(2)(b) right side near his hips. At <02:21> PO Rios puts § 87(2)(b) bag on the ground and opens it. He begins searching inside the backpack. At <02:41> the search of § 87(2)(b) is concluded and Sgt. Bletcher, PO Candelario and PO Mozdziak stand and surround him. They appear to be talking. PO Rios is still searching through his backpack. At <03:07> PO Rios zips up § 87(2)(b) backpack and at <03:19> stands and joins the other officers. He is still holding onto § 87(2)(b) backpack. § 87(2)(b) speaks to the officers. At <04:45> PO Mozdziak exits the entrance area. The officers follow him out back towards the street.

§ 87(2)(b) (see Board Review #9) stated that on October 18, 2016, he had just gotten dropped off outside of his building and was waiting to be let in when he observed a tinted Chevy Impala, which he assumed to be a cop car, drive by. The car stopped at the corner and four plainclothes officers got out and approached the building. Their badges were flipped so as to hide any identifying information. An officer identified through investigation as Sgt. Bletcher, and later verified by § 87(2)(b) in a photo array (see Board Review #11), asked § 87(2)(b) if he lived at the building. § 87(2)(b) replied that he did live there. Sgt. Bletcher asked § 87(2)(b) why he was standing in front of the building and § 87(2)(b) explained that he was waiting out front. The officers told § 87(2)(b) that they'd been watching him wait outside the building for a couple minutes, which § 87(2)(b) asserted was untrue.



§ 87(2)(b) When PO Rios got closer to § 87(2)(b) he recognized him from the web series § 87(2)(b). He could not recall when he first found out about the series, but stated that Sgt. Bletcher discovered the show. § 87(2)(b)

§ 87(2)(b) was standing to the right of the door. PO Rios could not recall if there was any pedestrian traffic coming through or § 87(2)(b) demeanor.

PO Candelario (see Board Review #14) stated that the officers were in their vehicle and passing by § 87(2)(b) when Sgt. Bletcher asked the officers if § 87(2)(b) who was standing in front of the building's entrance, was the person they had seen on § 87(2)(b) with a gun. PO Candelario stated that he and the other officers recognized § 87(2)(b) face and said, "Yeah." PO Candelario noted that although it was not an individual decision to stop § 87(2)(b) it had been prompted by Sgt. Bletcher's comment that § 87(2)(b) looked familiar. PO Candelario explained that as part of the anti-crime team he regularly looked at social media and in the process of viewing gang videos had come upon § 87(2)(b). He could not remember if they were rap videos or § 87(2)(b) talking and flashing guns. He did not know if the videos were fiction, but noted that § 87(2)(b) had pointed a gun at the camera and it looked pretty real. § 87(2)(b) looked like he was waiting for somebody and had a black bag, which he kept looking into. PO Candelario noted that a lot of heroin was sold from the building and they did not know if § 87(2)(b) was dealing drugs or not, so the fact that he kept looking into the plastic bag raised their suspicion. Because of this they decided to approach him. Upon being shown the video footage obtained from NYCHA, however, PO Candelario retracted this comment, stating that it did not appear that § 87(2)(b) ever looked in his bag, which was a black book bag and not a plastic bag.

PO Mozdziak (see Board Review #15) testified that he was on routine patrol with PO Rios, PO Candelario and Sgt. Bletcher and driving around the housing development while monitoring the department radio. PO Mozdziak was serving as vehicle operator when someone in the car pointed in the direction of § 87(2)(b). PO Mozdziak stated that he was not familiar with § 87(2)(b) or how he learned about § 87(2)(b) web series § 87(2)(b). He could not recall who specifically pointed out § 87(2)(b) and what they saw, but noted that based on that observation, the officers decided to exit the vehicle and engage § 87(2)(b) in conversation. § 87(2)(b) was standing in the doorway in front of the building.

Under NY Penal Law §240.20, a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: he obstructs vehicular or pedestrian traffic (see Board Review #16).

Under P.G. 212-11 a terry stop/level 3 encounter is any encounter between a civilian and a uniformed member of the service in which a reasonable person would not feel free to disregard the officer and walk away. A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor (see Board Review #17). In *People v. Thomas*, 979 N.Y.S.2d 34, 35 (2014) the court held that an officers' knowledge of an offender's prior crimes in the area—where the, "Police sergeant only knew defendant by face, and the

officer did not know defendant personally and had never arrested him . . .” did not create the required reasonable suspicion to justify a level three intrusion (see Board Review #18).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B - Abuse: Police Officer Nicholas Rios frisked § 87(2)(b)**  
**Allegation C - Abuse: Police Officer Juan Candelario frisked § 87(2)(b)**  
**Allegation D - Abuse: Police Officer Juan Candelario searched § 87(2)(b)**  
**Allegation E - Abuse: Police Officer Nicholas Rios frisked § 87(2)(b) property.**  
**Allegation F - Abuse: Police Officer Nicholas Rios searched § 87(2)(b) property.**

It is undisputed that after § 87(2)(b) was stopped, officers engaged in a frisk and search of § 87(2)(b) and his property. In dispute are the officers involved and the legality of the frisk and subsequent search.

§ 87(2)(b) (see Board Review #9) stated that Sgt. Bletcher instructed him to remove his book bag, which he did. Sgt. Bletcher gave § 87(2)(b) bag to PO Rios, who began searching it. PO Rios opened the big pocket and saw § 87(2)(b) camera equipment. § 87(2)(b) was

wearing sweatpants with two front pockets, a hoodie and baseball hat. One of the pockets had a zipper and the other was open. A long-haired officer, identified through investigation as PO Mozdziak, pulled down § 87(2)(b) pants pocket's zippers and went into § 87(2)(b) pockets. He took out § 87(2)(b) keys and a pen. PO Mozdziak then went into § 87(2)(b) back pocket, unzipped it and took out his wallet. When he opened it, he saw § 87(2)(b) DEA card, which was given to him by a detective he knows. PO Mozdziak tried to give the wallet back, but § 87(2)(b) asked him if he was only giving him his wallet back because he saw that he knew someone on the force. PO Mozdziak told him that it didn't matter, took § 87(2)(b) wallet back and started searching for § 87(2)(b) ID. After some time, § 87(2)(b) took back his wallet and gave PO Mozdziak his ID, which showed that § 87(2)(b) lived in the building. PO Mozdziak did not run his ID.

During a follow-up interview, in which § 87(2)(b) was shown the NYCHA security footage (see Board Review #10) § 87(2)(b) recalled PO Rios also frisking him. § 87(2)(b) told the officers that they were violating him and PO Mozdziak replied that they weren't violating him because if they were they would have taken all of his stuff and thrown it on the ground. § 87(2)(b) believed PO Mozdziak also searched him, but he could not remember because he stated that at that point he was getting upset that he being searched like a criminal in front of his building. § 87(2)(b) then stated that the black cop, identified through investigation as PO Candelario, began searching him. PO Candelario opened up his pants zipper and went into his pockets. He pulled out § 87(2)(b) wallet and when he opened it he saw his DEA card. He handed it back to him and § 87(2)(b) insisted that he keep going through it. PO Candelario then handed § 87(2)(b) backpack to PO Rios, who began looking through it in the corner. § 87(2)(b) made a comment to § 87(2)(b) that there was expensive camera equipment in the bag.

Sgt. Bletcher (see Board Review #12) stated that he and the officers approached § 87(2)(b). From the very beginning, § 87(2)(b) was very uncooperative and gave them a hard time. Based on Sgt. Bletcher's experience, he thought § 87(2)(b) had the potential to become combative. Sgt. Bletcher asked him why he was blocking the door and § 87(2)(b) refused to reply. They asked for his ID and § 87(2)(b) asked why he needed to provide his ID. They explained that they had stopped § 87(2)(b) for standing in front of the building. Sgt. Bletcher also mentioned § 87(2)(b). § 87(2)(b) was then frisked for safety reasons. Sgt. Bletcher did not know who frisked § 87(2)(b) but stated that his demeanor while he was being frisked was uncooperative and he was cursing. Sgt. Bletcher did not see any bulges, but explained that safety concerns existed due to § 87(2)(b) prior history of gun possession, which he later learned about at the stationhouse when they ran § 87(2)(b) and the videos, which showed § 87(2)(b) with more than one firearm. The officers felt there was a reason to search § 87(2)(b) because of the § 87(2)(b), which were very graphic. Sgt. Bletcher believed that § 87(2)(b) was searched, but stated that he himself did not search him. § 87(2)(b) was holding a bulky cleat bag in his hand. He saw PO Rios independently grab the bag and look through it. Sgt. Bletcher explained that PO Rios searched § 87(2)(b) bag because it seemed to be heavy and they had seen guns in the video—which led Sgt. Bletcher to think there might be guns in the bag. They did not find any weapons.



While viewing the NYCHA footage, at the <01:54> minute mark, Sgt. Bletcher identified PO Rios as frisking § 87(2)(b). He stated that he could see PO Rios' hands around § 87(2)(b) waistband. At the <02:20> minute mark, Sgt. Bletcher identified PO Rios as taking § 87(2)(b) backpack and putting it on the ground. At the <02:23> minute mark, Sgt. Bletcher stated that PO Rios appeared to be looking inside the bag. Sgt. Bletcher also identified, at the <02:25> minute mark, PO Candelario frisking § 87(2)(b).

PO Rios (see Board Review #13) testified that after approaching § 87(2)(b) the officers asked him if he had weapons on him and § 87(2)(b) replied, "No." § 87(2)(b) pockets were not flat. He had several bulges in his pockets with hard objects sticking out and was wearing a book bag. PO Rios could not tell what the bulges were from. PO Candelario frisked the bulges. PO Rios could not recall if he also frisked § 87(2)(b). He did not remember anyone searching § 87(2)(b) or pulling out his ID. PO Rios stated that while PO Candelario was frisking § 87(2)(b) PO Rios saw that his book bag was heavy, causing the bag to bulge and droop in the back. PO Rios noted that the § 87(2)(b) factored into his decision to search the bag because § 87(2)(b) was known to have dealings with firearms. PO Rios added that if he saw a person who was known to have a lifestyle involving firearms or imitating they had firearms and he saw what could possibly be a weapon in their bag, he would open their bag and frisk it. Because § 87(2)(b) bag had a bulge, he frisked it. He felt a hard, cylinder object so he opened the bag to see what it was. PO Rios thought it might be the barrel of a firearm, but it was a camera with lens and lighting so he closed the bag. The officers then warned and admonished § 87(2)(b) for obstructing pedestrian foot traffic. They did not issue him a stop report because they had warned and admonished him in lieu of issuing him a C-summons.

After PO Rios reviewed the video, he stated that from the angle of the video, it did not appear that § 87(2)(b) was blocking the door. At the <01:55> minute mark, PO Rios identified himself as the officer frisking § 87(2)(b). He stated that his hands were frisking § 87(2)(b) bulges. He stated that he did not search the bulges because they did not feel like weapons to him. At the <02:15> minute mark, PO Rios identified PO Candelario as frisking § 87(2)(b). At the <02:23> minute mark, PO Rios identified himself as searching the bag.

PO Candelario (see Board Review #14) testified that the officers approached § 87(2)(b) and explained to him that he was blocking the entrance and they wanted to figure out what he was doing there. They also told him that they recognized him from the video and wanted to make sure he didn't have a gun on him. PO Candelario noted that right from the beginning § 87(2)(b) was very verbally aggressive and disrespectful. He was acting like he did not want to be bothered. The officers asked him if he lived in the building, as well as for his ID. § 87(2)(b) refused to tell them if he lived there. PO Candelario stated that they ended up getting § 87(2)(b) information, but could not remember how they retrieved his ID from him. PO Candelario estimated that about a minute into their interaction they began frisking § 87(2)(b). He could not recall seeing any bulges. PO Candelario and PO Rios checked § 87(2)(b) waistband and down his legs for any weapons and a firearm. PO Candelario stated that he only frisked § 87(2)(b) but did not search him. He could not recall if the officers searched § 87(2)(b) pockets or if they pulled out his wallet. § 87(2)(b) was holding onto his bag. The officers asked § 87(2)(b) what was in his bag and he refused to tell them on.

PO Candelario was shown the NYCHA video and identified himself as the officer frisking § 87(2)(b) at the <02:23> minute mark. He also identified PO Rios as the officer looking at § 87(2)(b) waistband at the <01:56> minute mark and searching through his backpack at the <02:20> minute mark. Based on what PO Candelario saw from the video, § 87(2)(b) behavior did not constitute reasonable suspicion. He clarified that the main thing that drew the officers' attention was their recognition of § 87(2)(b) from § 87(2)(b). He stated that seeing § 87(2)(b) in the § 87(2)(b) with a gun was enough to constitute reasonable suspicion. He also noted that § 87(2)(b) was standing in front of the building and not moving, which raised suspicions—especially when it was a NYCHA building. He posited that § 87(2)(b) could have been waiting for a hand-to-hand, or on the phone contacting whoever was going to come by and buy the drugs.

PO Mozdziak (see Board Review #15) stated that an officer asked § 87(2)(b) for his license and he complied and produced it. PO Mozdziak stated that § 87(2)(b) was frisked for the officers' safety. He stated that they thought § 87(2)(b) might have a weapon on him because of body language. PO Mozdziak also noted that it was a very gang prone location. He appeared agitated throughout the course of their conversation and was raising his voice and screaming. He could not recall if § 87(2)(b) had any bulges on his body. He could not recall what § 87(2)(b) was wearing, if he had any gang insignia on him or if he had any known affiliation with a gang. He could not remember if he personally frisked him. PO Mozdziak reviewed the NYCHA video footage. At the <01:54> minute mark, he identified PO Rios as frisking § 87(2)(b). At the <02:06> minute mark, he also identified PO Rios as the officer that took § 87(2)(b) backpack and moved it to the side. At the <02:21> minute mark, PO Mozdziak identified PO Candelario as the officer frisking § 87(2)(b).

P.G. 212-11 states that reasonable suspicion exists when the information known to the MOS would make an ordinarily prudent cautious police officer under the circumstances believe that criminal activity is at hand. The officer must have a particularized and objective basis for suspecting the person stopped of the criminal conduct. A frisk is authorized when the member of service reasonably suspects the person is armed and dangerous. This includes situations in which the officer reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the officer observes something on the person that she/he reasonably suspects is a weapon. Mere presence in a "high crime area" is an insufficient basis for a stop and frisk. In the context of investigative encounters, a search occurs when the officer places his/her hands inside a pocket or other interior portions of a person's clothing or personal property to remove an object that the member felt during a frisk and reasonably suspects is a weapon or dangerous instrument (see Board Review #17).

In *People v. Thomas*, 979 N.Y.S.2d 34, 35 (2014) the court held that an officers' knowledge of an offender's prior crimes in the area—where the, "Police sergeant only knew defendant by face, and the officer did not know defendant personally and had never arrested him . . ." did not create the required reasonable suspicion to justify a level three intrusion (see Board Review #18).

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

The NYCHA video footage also depicts PO Candelario frisking and then searching § 87(2)(b). Indeed, during his interview, PO Candelario identified himself as the officer frisking § 87(2)(b) at the <02:23> minute mark. Although he originally stated that § 87(2)(b) presence on § 87(2)(b) was enough to constitute reasonable suspicion, upon watching the video footage he conceded that § 87(2)(b) behavior did not constitute reasonable suspicion. While PO Candelario admitted to checking § 87(2)(b) waistband and down his legs for any weapons, PO Candelario stated that he did not search him. In contrast, § 87(2)(b) testified that PO Candelario pulled the zipper on his pants pockets and pulled out his wallet. § 87(2)(b)

[REDACTED]

§ 87(2)(g)

P.G. 212-11(23) also states that a police officer cannot “frisk” a bag or item of personal property unless the officer has a reasonable suspicion that the person is armed and dangerous and the bag or item could contain a weapon and is within a person’s reach (see Board Review #17). In *People v. Hampton*, 200 A.D.2d 466, 469 (1994), the Court in its discussion of a Defendant’s Fourth Amendment rights also held that a, “plastic bag, noted to ‘weighted down’, could have contained any number of heavy articles and does not, by its nature, constitute a container indicative of contraband.”

§ 87(2)(g)

**Allegation G - Abuse: Sergeant Michael Bletcher refused to provide his shield number to**

§ 87(2)(b)

**Allegation H - Abuse: Police Officer Nicholas Rios refused to provide his shield number to**

§ 87(2)(b)

**Allegation I - Abuse: Police Officer Matthew Mozdziak refused to provide his shield number to**

**Allegation J - Abuse: Police Officer Juan Candelario refused to provide his shield number to**

IAB Original Log #2016-36966 (see Board Review #20) shows that on October 18, 2016 at 3:15 p.m., IAB contacted § 87(2)(b) who reported that while attempting to enter his residence, he was approached by four unidentified plainclothes officers with their shields flipped around backwards. § 87(2)(b) stated that he asked the officers to provide their name/shield and it was not provided. As such, he did not know any of the officer’s names when he filed his complaint.

§ 87(2)(b) (see Board Review #9) testified that when he was first approached by the four officers, their badges were flipped so as to hide any identifying information. He also noted that once the officers finished searching him, he asked them why they were always messing with him and for their badge numbers. They did not give it to him.

Sgt. Bletcher (see Board Review #12) stated that § 87(2)(b) asked the officers for their badge numbers, but he believed that they verbally provided § 87(2)(b) with their badge numbers. Sgt. Bletcher could not recall how they obtained § 87(2)(b) ID, but noted that after they found out he lived there, in lieu of a summons they gave him a warning about not blocking the door.

PO Candelario (see Board Review #14) could not recall if § 87(2)(b) asked him for his badge number, but noted that his shield was out.

Under P.G. 203-09, officers must clearly state their rank, name and shield number to anyone who requests it (see Board Review #21).

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

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Squad: 8

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date